

IN THE UNITED STATES PATENT OFFICE

Inventor: W. Roy KNOWLES, M.D.
Filing Date: 19 July 2000
Serial No.: 09/619,142
Group Art: 1614
Examiner: Vickie KIM, Esq.
Title: Hair Loss Prevention

#210

Hon. Commissioner for Patents
Box - Office of Petitions
Washington, DC 20231

**PETITION UNDER M.P.E.P. 724.05.II
TO EXPUNGE INFORMATION
UNINTENTIONALLY SUBMITTED IN APPLICATION**

The inventor in this case executed a Rule 131 DECLARATION on 9 Jan. 02 and filed it with the Office on 10 Jan. 2002. That DECLARATION, at Exhibit P.G., includes unintentionally submitted confidential information, namely, a person's name and address. A copy of DECLARATION Exhibit P.G. is attached here, with the confidential personal information redacted. Please expunge the originally-filed DECLARATION Exhibit P.G., and replace it with the enclosed substitute DECLARATION Exhibit P.G., from which the unintentionally submitted confidential information has been redacted.

This Petition complies with the requirements of M.P.E.P. 724.05.II:

(A) The Office can effect such return prior to the issuance of any patent on the application at issue. Here, the immediate case has not yet been allowed. Continuation application serial no. 10/046,686 has not yet been allowed. Continuation application Serial Number 10/044,553 was allowed on 12 March 2002 but has not yet issued.

(B) The information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information.

(C) The information has not otherwise been made public.

(D) The Applicant will retain such information for the period of any patent with regard to which such information was submitted.

(E) The information to be returned is not "material" information under 37 C.F.R. 1.56.

W. Roy KNOWLES
Serial No. 09/619,142
Art Unit 1614
Examiner Vickie KIM, Esq.

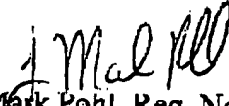
Decision on this Petition may be rendered immediately. The decision on a Petition to Expunge "should be held in abeyance until the application is allowed" where "the examiner may not have finally considered what is material to a decision of patentability of the claims." M.P.E.P. 724.06 (Aug. 2001). Here, the Examiner already considered the DECLARATION. Further, "[w]hen an application has been allowed, . . . a petition to expunge should be decided by a TC Director (see MPEP 1002.02(c))." *Id.* Here, the immediate application has not yet been allowed, but a continuation application (s.n. 10/044,553) has been allowed. The file history of the allowed continuation by law includes the file history of the immediate application. Thus, this petition appears ripe for immediate decision.

SUMMARY

Applicant respectfully requests immediate grant of this petition and replacement of the originally-filed DECLARATION Exhibit P.G. with the enclosed redacted DECLARATION Exhibit P.G.

Enclosed find a substitute DECLARATION Exhibit P.G., a FEE TRANSMITTAL FORM and the petition fee set forth in 37 C.F.R. 1.17(h).

Respectfully submitted,


Mark Pohl, Reg. No. 35,325
27 June 2002

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Rule 1.131 Declaration
Inventor: KNOWLES, W.R.
Filing Date: 19 July 2000
Ser. No.: 09/619,142

EXHIBIT P.G.

Please type a plus sign (+) inside this box → ☐

PTD/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/619,142	
	Filing Date	19 Jul 2000	
	First Named Inventor	W. Roy KNOWLES, M.D.	
	Group Art Unit	1614	
	Examiner Name	Vickie KIM, Esq.	
Total Number of Pages in This Submission		8	
		Attorney Docket Number	Knowles

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <u>one</u>	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks To assure the file has a clean (rather than a facsimile) copy of Exhibit P.G., I will send a confirmation copy of this facsimile by first class mail.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mark POHL, Reg.35.325, Pharmaceutical Patent Attorneys
Signature	<i>[Handwritten Signature]</i>
Date	See below date

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>see below date</u>	
Typod or printed name	Mark POHL, Reg. No. 35,325
Signature	<i>[Handwritten Signature]</i>
Date	27 June 2002

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PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0551-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

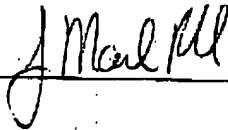
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Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Office (703) 305-7230

on 27 June 2002

Date



Signature

Mark POHL, Reg. No. 35,325

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Petition to Expunge, Fee Transmittal Form, Credit Card Payment Form

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PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 130.00)

Complete if Known

Application Number	09/ 619,142
Filing Date	19 July 2000
First Named Inventor	W. Roy KNOWLES, M.D.
Examiner Name	Vickie KIM, Esq.
Group Art Unit	1614
Attorney Docket No.	Knowles

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
NumberDeposit
Account
Name

- ☐ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☐ Check ☒ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Fee Fee Fee Fee Description
Code (\$) Code (\$) Code (\$)

101	740	201	370	Utility filing fee	0.00
106	330	206	165	Design filing fee	0.00
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from Table	Fee Paid
0	-20** = 0	9.00	0.00
6	-3** = 3	42.00	0.00
Multiple Dependent			0.00

Large Entity Small Entity

Fee Fee Fee Fee Fee Description
Code (\$) Code (\$) Code (\$)

103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	260	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent.	

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid		
105	130	205	65	Surcharge - late filing fee or oath	0.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	0.00
120	320	220	160	Filing a brief in support of an appeal	0.00
121	280	221	140	Request for oral hearing	0.00
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130.00
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	0.00
581	40	581	40	Recording each patent assignment per property (times number of properties)	0.00
148	740	248	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) Disclaimer Fee				0.00	

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

SUBMITTED BY

Name (Print/Type) Mark POHL, Esq.

Signature

Registration No.
(Attorney/Agent) 35,325

Complete (if applicable)

Telephone (973) 665-0275

Date 27 June 2002

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